



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,080	12/19/2003	John C. Marshall	6247.460	9921
7590	07/01/2005		EXAMINER	
Joseph W. Berenato, III Liniak, Berenato & White, LLC Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/739,080	MARSHALL, JOHN C.
Examiner	Art Unit	
Kimberly T. Wood	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 March 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14, 19 and 21-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14, 19 and 21-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 3/17/05.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

This is an office action for serial number 10/739,080, entitled Ceiling Fan Display, in response to amendment filed on March 17, 2005.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 3, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Gerding et al. (Gerding) 4,549,366. Maury discloses a vertical support (28) having a first and second end being two segments (28a and 28b), a product being a ceiling fan (46), a base (26), an arm (40) having a horizontal display surface (near 52), threaded bolt (32). Maury discloses all of the limitation of the claimed invention except for the segments being first, second and third segments. Haase teaches that it is known to have a first, second and third segments, a top of said first segment connecting with a base of said second segment, a top of said second segment connecting to a base of

Art Unit: 3632

said third segment, and a top of said third segment connecting to said arm (figure 2). It would have been obvious to one having ordinary skill in the art to have made the vertical support of segments as taught by Haase for the purpose of decreasing or increasing the length of the vertical support. Gerding (5) teaches that it is known to have a planar rectangular base plate (18) and a horizontal base (15, 16, and 14) having a conventional H-outline made of a tubular first member and a second member. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Maury in view of Haase to have a base plate and horizontal base as taught by Gerding for the purpose of providing adequate vertical and lateral stability, minimal weight, and maximum area for locating boxes of a product. It would have been an obvious matter of design choice to have made the horizontal base in a T-shaped outline comprising a first member having parallel legs and a second member disposed opposite said first member, said second member having parallel legs, said second member parallel legs extending parallel to and spaced from said first member parallel legs, said first member being connected to said second member plate so that said horizontal base forms a T-shaped outline, said base plate being secured to adjacent ones of said first and second member parallel legs, since such a modification would have involved a mere change in the shape of a component. A change in shape is

generally recognized as being within the level of ordinary skill in the art since the applicant has not shown how the chosen shape is critical.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Gerdung 4,549,366 in further view of Luoma 5,475,386. Luoma teaches that it is known to have support braces extending upwardly perpendicular to the base plate and adjacent the vertical support (26). It would have been obvious to one having ordinary skill in the art to have modified Maury in view of Haase in view of Gerdung to have included the support braces as taught by Luoma for the purpose of strength and stability to the vertical support.

Claims 4-10, and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Gerdung 4,549,366 and in further view of Allen et al. (Allen) 6,560,794. Maury in view of Haase and Gerdung discloses all of the limitations of the claimed invention except for the T-Outline with first member, second member, having five 90 degree bends and being tubular. Allen teaches that it is known to have a structure formed of segments being tubular having more than five 90 degree bends to

Art Unit: 3632

form a shape. It would have been obvious to one having ordinary skill in the art to have modified Maury in view of Haase and Gerdung to have made a member with first member, second member, having five 90 degree bends as taught by Allen for the purpose of stability and design choice since the applicant does not provide how the shape of the horizontal base is critical.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Haase 4,625,937 in further view of Gerdung 4,549,366 in further view of Matson 3,519,234. Matson discloses support elements (48). It would have been obvious to one having ordinary skill in the art to have modified Maury in view of Haase and Gerdung to have included the support braces as taught by Matson for the purpose of providing a means for supporting a sign.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury in view of Gerdung, as discussed above.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's arguments that the references do not teach a first member having parallel legs and

Art Unit: 3632

a second member disposed opposite said first member, said second member having parallel legs, said second member parallel legs extending parallel to and spaced from said first member parallel legs, said first member being connected to said second member plate so that said horizontal base forms a T-shaped outline the examiner would like to refer the applicant to his own disclosure on page 5, lines 22ff which states, "structural members 28, 30, 32 may form any pattern consistent with the function of the invention, including a rectangular, triangular, round, or non-symemetric pattern". This indicates that the shape of the horizontal base is not critical to the invention as long as the invention meets the limitations as disclosed by the applicant on page 6, lines 2ff, "the base 6 provide adequate vertical stability, minimal weight, and maximum are for locating boxes of the product.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional support displays.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

June 27, 2005